

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: WELDING ROD PRODUCTS
LIABILITY LITIGATION**

: **Case No. 1:03-CV-17000**
: **(MDL Docket No. 1535)**
:
: **JUDGE O'MALLEY**
:
: **MEMORANDUM & ORDER**
:

The defendants in this Multi-District Litigation filed a “Notice of Proposed Organizational Structure” (docket no. 2), in which they proposed Rick Werder of Jones Day as interim lead counsel. Subsequently, the defendants filed a motion to substitute Ralph Davies, of Davies, McFarland, & Carroll, for Mr. Werder (docket no. 4). The Court interprets the latter motion also to be a request by Mr. Werder and his firm to withdraw as a representative of any party to this litigation.

The motion to substitute (docket no. 4) is **GRANTED**; accordingly, the structure proposed by the Notice (docket no. 2) is now deemed to include Mr. Davies and his firm, and not Mr. Werder or his firm.

The Court does not, however, now rule on the proposal in the defendants’ Notice (docket no. 2). The Court also passes no judgment at this time on the motion to appoint as interim co-lead counsel for plaintiffs Donald Barrett, of the Barrett Law Office, and Richard Scruggs, of the Scruggs Law Firm (docket no. 3). Rather, because the Court has requested from the Committee on Codes of Conduct for United States Judges an advisory opinion regarding possible organizational structures in this matter, the Court hereby **STAYS** this

matter in its entirety, pending receipt of an advisory opinion.¹

IT IS SO ORDERED.

s/ Kathleen M. O'Malley

**KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE**

¹ The Court will continue, however, to receive "tag-along cases." All discovery proceedings in these and any related actions are stayed until further Order of this Court. The time requirements to perform any act or file any papers, pursuant to Rules 26 through 37, Federal Rules of Civil Procedure, are tolled until the first pretrial conference, at which time a discovery schedule will be established. Through their proposed interim lead/liaison counsel, the parties have consented to this limited stay.